

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT WASHINGTON,

Plaintiff,

v.

STEVEN M. YAPLEE,

Defendant.

Case No. 1:20-cv-01356-EPG (PC)

ORDER DIRECTING DEFENSE COUNSEL  
TO RESPOND TO PLAINTIFF'S MOTION  
TO SET TRIAL DATE (ECF NO. 56)  
WITHIN SEVEN DAYS

Robert Washington ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On October 28, 2022, the Court ordered defense counsel to contact the Alternate Dispute Resolution Coordinator to schedule a settlement conference. (ECF No. 55). Defense counsel complied with this order, and the Court is in the process of scheduling a settlement conference.

On November 23, 2022, Plaintiff filed a motion to set the trial date. (ECF No. 56). According to Plaintiff, defense counsel called Plaintiff on November 17, 2022, and among other things, told Plaintiff that "there is never going to be a Settlement Agreement as Defense will win this case." (*Id.* at 1). Accordingly, Plaintiff asks the Court to not set a settlement conference, and to instead set the trial.

Given Plaintiff's allegation that defense counsel told Plaintiff that he has no intention of entering into a settlement agreement, the Court will give defense counsel seven days from the

1 date of service of this order to respond to Plaintiff's motion.

2 Accordingly, IT IS ORDERED that defense counsel has seven days from the date of service  
3 of this order to file a response to Plaintiff's motion to set the trial date.

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5 IT IS SO ORDERED.

6 Dated: November 28, 2022

/s/ Eric P. Grogan  
7 UNITED STATES MAGISTRATE JUDGE  
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